

ORDINANCE NUMBER 22-16

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

“iBeach31 at Grand Park PUD”

This is a Planned Unit Development District Ordinance, to be known as the iBEACH31 AT GRAND PARK PLANNED UNIT DEVELOPMENT (the “**Ordinance**”), to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “**UDO**”), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code§ 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the “**City**”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “**Commission**”) considered a petition (Petition No. 2205-PUD-09), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in Exhibit A attached hereto (the “**Real Estate**”);

WHEREAS, the Commission forwarded Petition No. 2205-PUD-09 to the Common Council of the City of Westfield, Hamilton County, Indiana (the “**Council**”) with a favorable recommendation (Vote: _____ in favor, _____ opposed) in accordance with Indiana Code § 36-7-4-608, as required by IndianaCode§ 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Council on _____, 2022;

WHEREAS, the Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Council, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The UDO and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the “iBeach31 at Grand Park Planned Unit Development District” (the “**District**”).
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the UDO, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter (“**Chapter**”) and Article (“**Article**”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.4 All provisions and representations of the UDO that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the UDO.

Section 3. Concept Plan. The concept plan, attached hereto as Exhibit B (the “**Concept Plan**”), is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.

- 3.1 The final layout and site plan shall be subject to the terms of this Ordinance and may vary from the depictions shown in the Concept Plan.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of this District shall be the GB: General Business District, (the “**Underlying Zoning District**”).

Section 5. Permitted Uses. The uses identified in this Section (the “**Permitted Uses**”), shall be the only uses permitted: .

- 5.1 Indoor multi-sport athletic facility for which the primary focus is beach volleyball and other beach sports.
- 5.2 Outdoor multi-sport sand courts for which the primary focus is beach volleyball and other beach sports.
- 5.3 Uses ancillary to an indoor multi-sport athletic facility, as determined by the City of Westfield Director of Community Development (the “**Director**”), which may include but are not limited to: Restaurant & Bar, Office, , retail sales, locker rooms, strength and conditioning services, rehabilitation and recovery services.

Section 6. General Regulations. The standards of Chapter 4 Zoning Districts, as applicable to the respective Underlying Zoning Districts, shall apply to the development of the Real Estate, except as otherwise modified below.

- 6.1 Minimum Front Yard Setbacks: 20 feet.

6.2 Minimum Side Yard Setbacks: 10 feet.

6.3 Minimum Rear Yard Setbacks: 10 feet.

Section 7. Development Standards. The standards of Chapter 6 Development Standards of the UDO shall apply to the development of the Real Estate, except as otherwise modified below.

7.1 Article 6.3 Architectural Standards:

A. Article 6.3(F)(7)(a)(ii) shall not apply.

B. Article 6.3(F)(7)(a)(iii) shall not apply. A PVC membrane, high strength roof shall be a permitted roofing material.

C. The Illustrative Character Exhibit attached hereto as Exhibit C, is representative of the massing of the building and does not represent the final product in terms of architectural detail.

7.2 Article 6.8 Landscaping Standards: Shall apply, except as modified below:

A. Article 6.8(E) Preservation and Replacement of Trees shall not apply.

B. Article 6.8(K) Minimum Lot Landscaping Requirements: Shall not apply; rather, the following minimum plant materials shall be required per one (1) acre: ten (10) shade trees; five (5) ornamental or evergreen trees; and twenty-five (25) shrubs.

C. Article 6.8 (L)(4) Foundation Planting Requirements: Shall apply in accordance with the UDO except Foundation Planting bed width shall be 5 feet minimum. The primary plant material used shall be shrubs and ornamental grasses planted at a rate of 4 shrubs/grasses per 12 lineal feet of building façade.

D. Article 6.8(M)(2) External Street Frontage Landscaping: All requirements shall adhere to the UDO except that shrub requirements will not apply.

E. Article 6.8(N) Buffer Yard Requirements: Shall not apply.

F. Article 6.8(O) Parking Area Landscaping: Shall apply with the following modifications:

1. Interior Parking Area Landscaping: A minimum of one (1) interior parking area island shall be required per twenty (20) parking spaces.

2. Perimeter Parking Area Landscaping: If perimeter parking area landscaping is required, then the minimum number of plantings shall be one (1) tree and ten (10) shrubs per sixty (60) linear feet of parking area length. Plantings may be clustered in an aesthetically pleasing manner.

Section 8. Infrastructure Standards. The District's infrastructure shall comply with the UDO and the City's Construction Standards (see Chapter 7 Subdivision Regulations) unless otherwise approved by the Department of Public Works.

Section 9. Duration. Failure to obtain a Secondary Plat / Construction Plan approval in the
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District by January 1, 2027 (unless otherwise extended by the Director) shall automatically void this Ordinance and cause the zoning classification of the Real Estate to revert to the OI-PD Open Industrial-Planned Development District.

Section 10. Severability. If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2022.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

James Edwards

James Edwards

James Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 22-16** was delivered to the Mayor of Westfield

on the ____ day of _____, 2022, at ____m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 22-16**
this ____ day of _____, 2022.

I hereby VETO **ORDINANCE 22-16**
this ____ day of _____, 2022.

J. Andrew Cook, Mayor

J. Andrew Cook, Mayor

This document prepared by: Eric M. Douthit, Church Church Hittle + Antrim, Two NorthNinth Street, Noblesville, Indiana 46074, (317) 773-2190.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each SocialSecurity Number in this document, unless required by law: Eric M. Douthit.

EXHIBIT A

Legal Description

The Northwest Quarter of Section 36, Township 19 North, Range 3 East of the Second Principal Meridian in Hamilton County Indiana being described as follows:

Considering the south line of the Northwest Quarter as bearing North 90°00'00" East with all other bearings herein contained relative thereto; Beginning at a found PK Nail at the Southwest Corner of the Northwest Quarter of Section 36; thence on and along the South line of said Quarter North 90°00'00" East 132.79 feet to a set PK nail at the true place of beginning; thence North 0°00'00" East 436.0 feet to a set rebar; thence North 90°00'00" East 300.00 feet to a set rebar; thence South 0°00'00" West 436.00 feet to a set PK Nail on the South line of the Northwest Quarter of Section 36; thence on and along said South line South 90°00'00" West 300.00 feet to the true place of beginning, containing 3.00 acres and being subject to all easements of record and rights of ways.

EXHIBIT B

Concept Plan

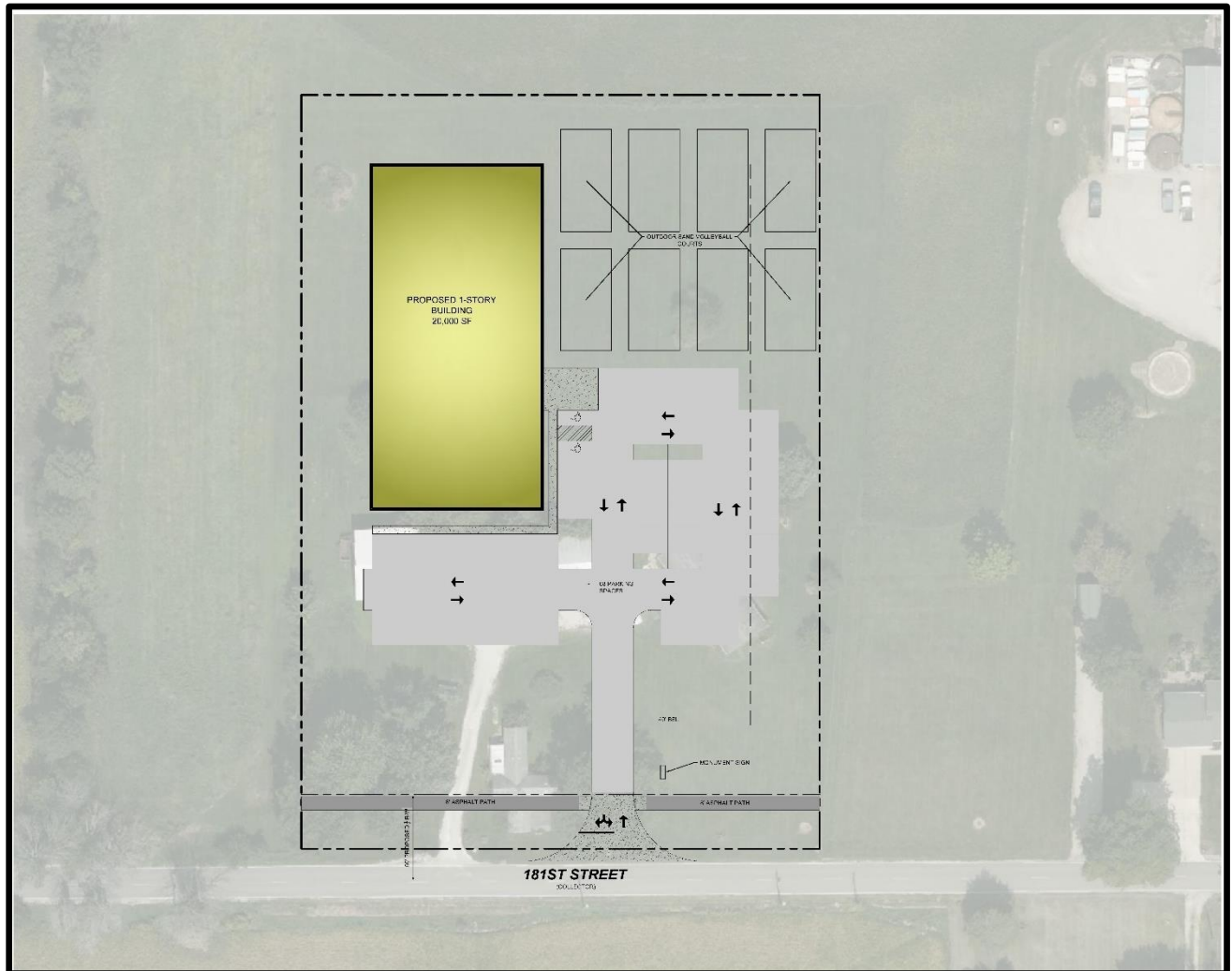


EXHIBIT C

Illustrative Character Exhibit

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EXHIBIT C

Illustrative Character Exhibit

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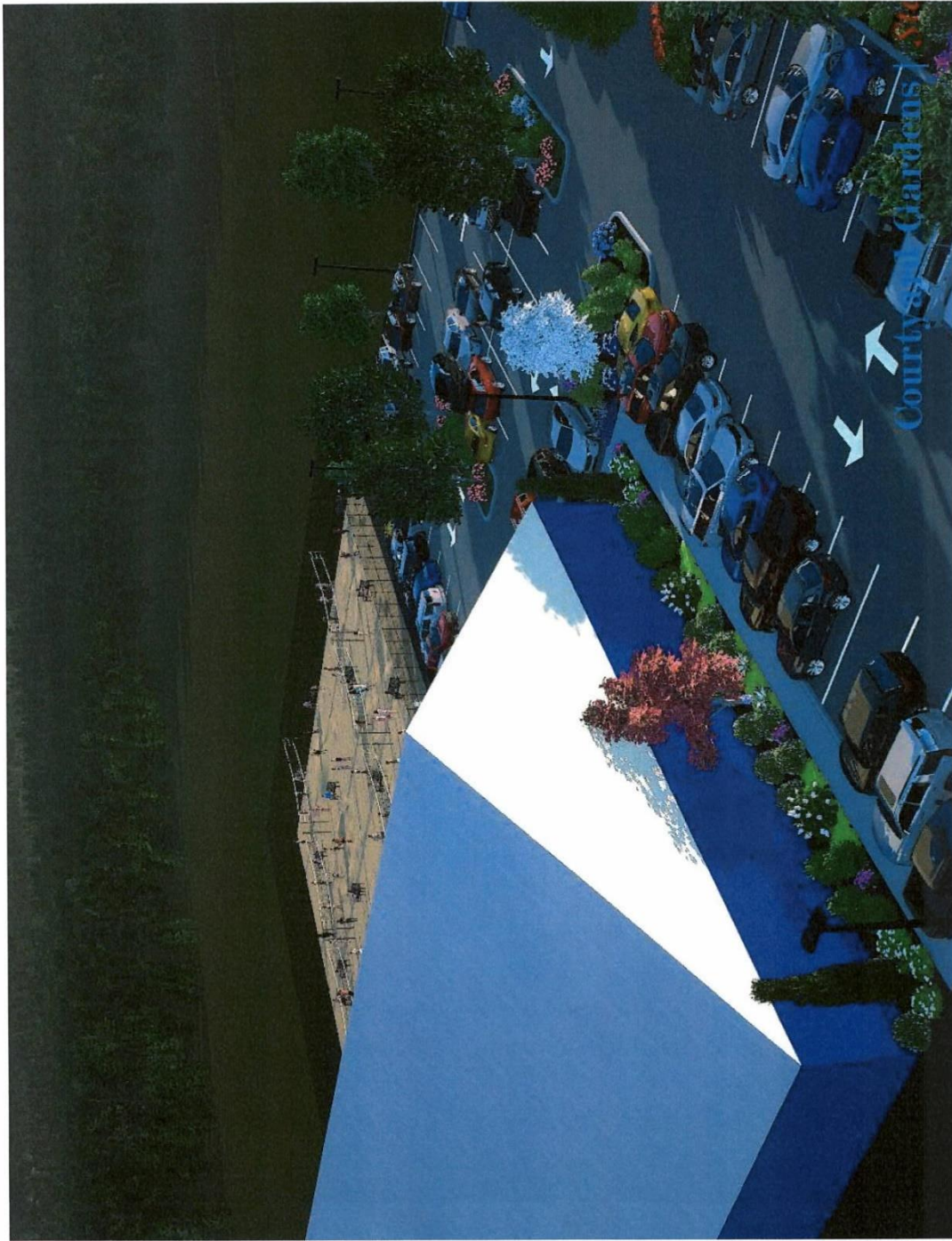


EXHIBIT C

Illustrative Character Exhibit

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EXHIBIT C

Illustrative Character Exhibit

(Page 4 of 5)

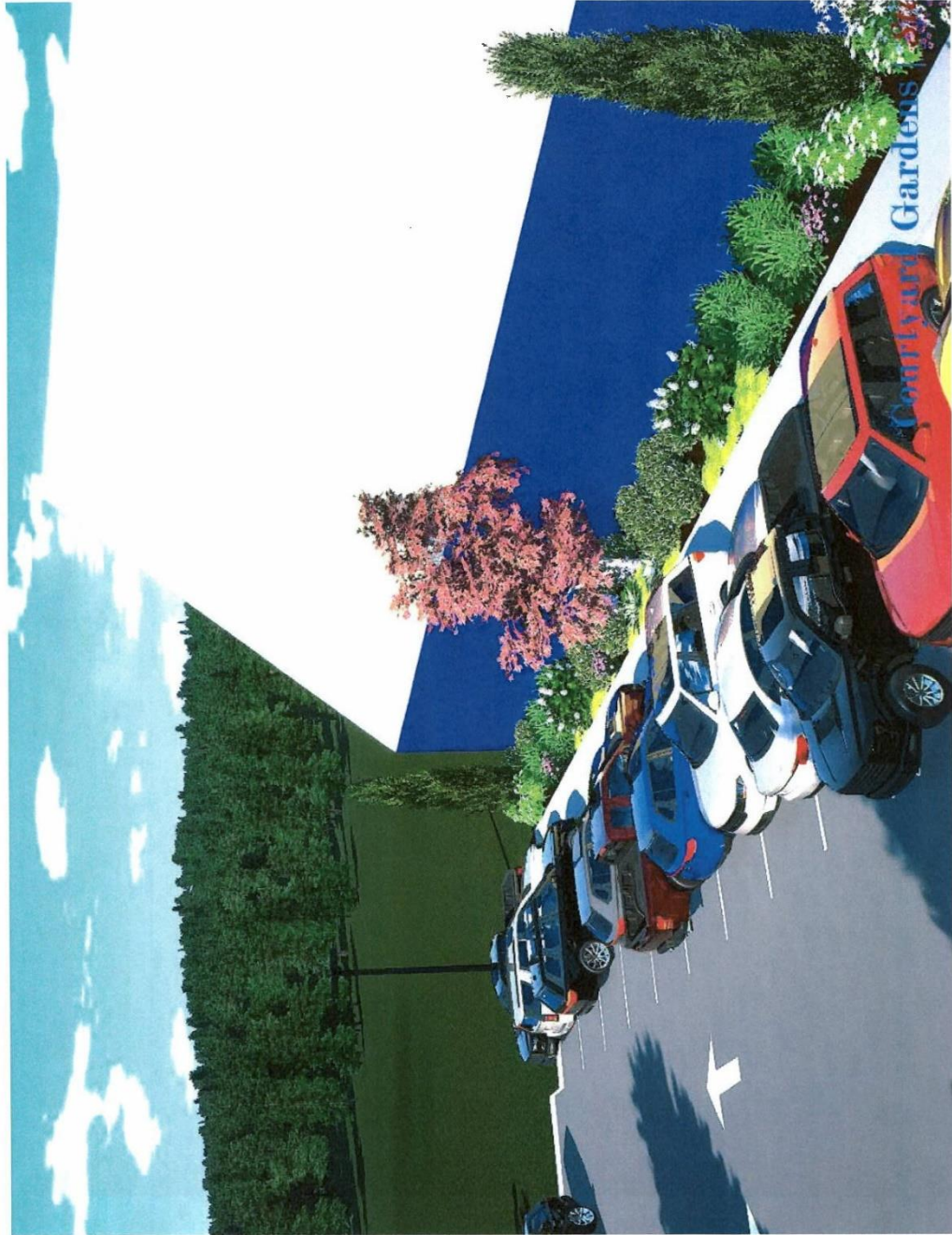


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